

REMARKS/ARGUMENTS

Claims 1, 4-7, 9-10 and 12-14 remain in this application. Claims 2, 3, 8 and 11 are now canceled. Dependent Claim 13 and Independent Claim 14 are added with this amendment.

Claims 1, 10 and 14 are independent claims.

Applicant respectfully requests reconsideration based on the remarks and arguments herein.

Claim 1:

The examiner rejected Claim 1 under 35 USC 112 proposing the specification did not reasonably provide enablement of objects including an umbrella. Without conceding to the appropriateness of the rejection under 35 USC 112, Claim 1 has been amended to include the limitation of the securement of objects wherein the object can be an umbrella. This change should address this reason for rejection and therefore remove this reason for rejection of Claim 1.

The examiner rejected Claim 1 under 35 USC 103(a) proposing combinations of prior art. Examiner also acknowledged that Claim 3 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112 set forth in the Office Action and to include all of the limitation of the base claim and any intervening claims. Without conceding to the appropriateness of the rejection under 35 USC 103(a), Claim 1 has been amended to include the limitations of previously presented Claim 3. This change should address this reason for rejection and therefore remove this reason for rejection of Claim 1.

Furthermore, with the inclusion of the limitations from previously presented Claim 3 in Claim 1 has also removed the “/” from the limitations and clarifies that the extract and retract button is a single button and all the limitations after it are part of the

claimed invention. This change should address this reason for rejection under 35 USC 112 and therefore remove this reason for rejection of Claim 1.

The examiner acknowledged that claims 3-12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112 set forth in the Office Action and to include all of the limitation of the base claim and any intervening claims. The above described changes to Claim 1 address each of the reasons for rejection and should put this claim into a condition for allowance.

Accordingly, favorable reconsideration and withdrawal of the rejection of independent Claim 1 under 35 USC 112 and 35 USC 103(a) is respectfully requested.

Claims 4-7:

Claims 4-7 are dependant upon Claim 1 and withdrawal of the rejection of these claims under 35 USC 112 is respectfully requested for at least the same reasons provided above for Claim 1.

Claim 9:

Claim 9 has been amended to reflect the cancellation of intervening Claim 8 and now make the claim dependant upon Claim 7. Claim 9 is dependant upon Claims 1 and 4-7 and withdrawal of the rejection of this claim under 35 USC 112 is respectfully requested for at least the same reasons provided above for Claim 1 and Claims 4-7.

Claim 10:

Examiner recognized that the specification enabled, according to 35 USC 112, the securement of objects wherein the object is an umbrella. However, the examiner rejected Claim 10 because the specification did not reasonably provide enablement of objects including an umbrella. Applicant respectfully disagrees with this basis of rejection. Independent Claim 10 as previously presented included the limitation of an umbrella in sub-para. "I" of the claim. Applicant therefore believes that this reason for rejection of Claim 10 is improper. This limitation remains in Claim 10 and changes to sub-para. I replacing "is" with "can be" clarify the use of the device with an umbrella.

Examiner also rejected Claim 10 under 35 USC 112 because the claim was not clear whether limitations after the "/" were part of the invention. Claim 10 has been

amended to remove the “/” from the limitations and clarify that the extend and retract button is a single button and all the limitations that were after the mark are now clearly part of the claimed invention. This change should address this reason for rejection and therefore remove this reason for rejection of Claim 10.

The examiner acknowledged that Claim 10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112 set forth in the Office Action and to include all of the limitations of the base claim and any intervening claims. Although Independent Claim 10 does not include the limitations of new claims 4-7 and 9, Claim 10 as amended includes all of the limitation of new Claim 1, which as discussed above, includes all of the limitations of previous Claims 1 and 3.

Therefore, the above arguments and changes address each of the reasons for rejection and should allow this Claim 10 to be in a condition for allowance.

Claim 12:

Claim 12 is dependant upon Claim 10 and withdrawal of the rejection of this claim under 35 USC 112 is respectfully requested for at least the same reasons provided above for Claim 10.

Claim 13:

Dependent Claim 13 is new and substitutes the use of the device with an umbrella with the use of a fishing pole. The use of this device with a fishing pole is reasonably enabled by the well known shape of a fishing rod and as supported by specific mention of a “fishing rod” in the specification at least on page 1, first paragraph, forth sentence and specification page 4, first paragraph, second sentence.

Claim 14:

Independent Claim 14 is new and clearly adds the use of the device with a fishing pole. Independent Claim 14 includes the same limitations of Claim 1 with the substitution of a fishing pole for the umbrella. The use of this device with a fishing pole is reasonably enabled for at least the same reasons provided above for Claim 13.

Conclusion:

This Amendment, submitted in response to the Office Action dated January 28, 2009, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration is respectfully requested.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'K. Onyema', with a long horizontal flourish extending to the right.

Kenneth Onyema
Reg. No. 53,414